

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PCT NATIONAL STAGE APPLICATION OF
SHARMA ET AL.

INTERNATIONAL APPLICATION NO: PCT/EP03/07005

FILED: 1 JULY 2003

U.S. APPLICATION NO: 10/519,042

35 USC §371 DATE: 22 DECEMBER 2004

FOR: PEPTIDE INHIBITORS OF SMAC PROTEIN BINDING TO
INHIBITOR OF APOPTOSIS PROTEINS (IAP)

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

Sir:

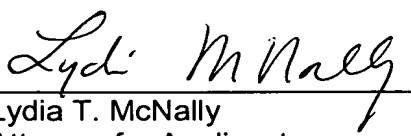
The Notification of Defective Response mailed September 8, 2005 (a copy of which is enclosed) has a shortened statutory time set to expire on October 8, 2005.

The Notification of Defective Response requests that the nucleotide and/or amino sequence disclosure comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825. However, the present application does not contain a nucleotide or amino acid sequence. Therefore it is respectfully requested that this requirement be withdrawn from the Notification of Defective Response.

No fee is believed to be required. However, the Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Deposit Account No. 19-0134.

Respectfully submitted,

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Corporate Intellectual Property
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Date: 9-21-05



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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| U.S. APPLICATION NUMBER NO. 10/519,042 | FIRST NAMED APPLICANT Sushil K Sharma | ATTY. DOCKET NO. ON/4-32563A |
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1095
NOVARTIS
CORPORATE INTELLECTUAL PROPERTY
ONE HEALTH PLAZA 104/3
EAST HANOVER, NJ 07936-1080



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|---|-----------------------------|
| INTERNATIONAL APPLICATION NO. PCT/EP03/07005 | |
| LA. FILING DATE 07/01/2003 | PRIORITY DATE 07/02/2002 |

CONFIRMATION NO. 7042
371 FORMALITIES LETTER
OC000000016955413
OC000000016955413

Date Mailed: 09/08/2005

NOTIFICATION OF DEFECTIVE RESPONSE LTM

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495)

- Priority Document
- Copy of the International Application filed on 12/22/2004
- Copy of the International Search Report filed on 12/22/2004
- Preliminary Amendments filed on 12/22/2004
- Oath or Declaration filed on 07/13/2005
- U.S. Basic National Fees filed on 12/22/2004
- Priority Documents filed on 12/22/2004

Applicant's response filed 07/13/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 06/30/2005 have not been completed.

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is

SEQUENCE LISTING REQUIRED

DOCKETED FOR: Oct 8, 2005

identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LATRICE RUSSELL

Telephone: (703) 308-9290 EXT 117

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/519,042 | PCT/EP03/07005 | ON/4-32563A |